

**Washington State Department of Transportation**  
**Section 504 — Rehabilitation Act of 1973**  
**&**  
**The Americans With Disabilities Act of 1990**  
**Plan**

**POLICY STATEMENT**

The Washington State Department of Transportation (WSDOT) will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). WSDOT further ensures that every effort will be made to provide nondiscrimination in all of its programs and activities regardless of the funding source.

For the purpose of this policy, a disabled person is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities,
2. Has a record of such an impairment, or
3. Is regarded as having such an impairment.

In the event WSDOT distributes federal funds to other agencies, the department will ensure Section 504/ADA language is written into all agreements and will monitor these agreements for compliance.

**WSDOT's Office of Equal Opportunity is responsible for monitoring all Section 504/ADA activities. The Office of Equal Opportunity, Internal Civil Rights Branch has been appointed to coordinate the Section 504/ADA provisions of 49 CFR § 27.13. The Office of Equal Opportunity may be contacted at (360) 705-7095.**

For the purposes of this policy, the terms "handicapped" and "disabled" will be considered synonymous as will the terms "Section 504" and "ADA." This policy in no way obviates or affects the department's responsibilities for compliance with applicable state laws."

Douglas B. McDonald  
Secretary of Transportation  
**AUTHORITIES**

Date

Section 504 of the Rehabilitation Act of 1973, as amended, provides that, “No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

29 USC 794 (October 29, 1992 amendment to the Rehabilitation Act of 1973) substitutes “a disability” for “handicaps” and “disability” for “handicap.”

49 CFR § 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance.”

49 CFR § 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, “This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.”

49 CFR § § 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

49 CFR § 28-140 (Employment) states that, “(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department,” and “(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.”

29 CFR § 1613 (Equal Employment Opportunity in the Federal Government) states that: “It is the policy of the Government of the United States ... to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race,

color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.”

28 CFR § 35 (Judicial Administration) states that: “The purpose of this part is to effectuate subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.

42 USC § 12101-12213 (The Americans with Disabilities Act of 1990) states that: “No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

## **ORGANIZATION**

### **General**

The Secretary of WSDOT is responsible for ensuring implementation of the department’s Section 504/ADA program.

The Director, Office of Equal Opportunity, on behalf of the Secretary, is responsible for the overall management of the Section 504/ADA program.

The Diversity Programs Administrator is responsible for the overall administration of the Section 504/ADA program.

The Section 504/ADA Coordinator is responsible for the day-to-day operations of the Section 504/ADA program.

### **Section 504/ADA Coordinator Responsibilities**

The Section 504/ADA Coordinator is charged with the responsibility for implementing, monitoring, and ensuring WSDOT’s compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Section 504/ADA responsibilities are:

1. Developing the department’s self-evaluation reviewing current policies and practices for implementing Section 504/ADA.
2. Identifying shortcomings in compliance and developing remedies.
3. Evaluating remedial steps taken to eliminate the effects of discrimination.

4. Developing complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complaints alleging and action prohibited by Section 504/ADA.
5. Processing the disposition of complaints filed under Section 504/ADA.
6. Ensuring WSDOT compliance with Section 504/ADA.
7. Developing the WSDOT's Section 504/ADA Transition Plan to bring all department facilities into compliance with accessibility standards.
8. Developing procedures to ensure persons with vision or hearing impairments are provided effective alternate means of communication concerning department activities and programs.
9. Developing procedures to provide reasonable accommodations for disabled persons requiring access to department programs or activities.
10. Collecting statistical data of disabled participants in department programs and activities.
11. Conducting annual reviews of Section 504/ADA program areas.
12. Conducting Section 504/ADA training programs for department managers and employees.
13. Preparing a yearly report on Section 504/ADA accomplishments and goals for the upcoming year.
14. Developing Section 504/ADA information for dissemination to the general public.
15. Identifying and eliminating Section 504/ADA discrimination when found to exist.

#### **Section 504/ADA Liaison Responsibilities**

In addition to the WSDOT Section 504/ADA Coordinator, each Region and the Washington State Ferries shall designate a Section 504/ADA Liaison. This liaison will be responsible for ensuring compliance with Section 504/ADA in their respective program areas.

## **SECTION 504/ADA SELF-EVALUATION**

WSDOT completed its Section 504/ADA Self-Evaluation on February 8, 1993. Additionally, the department provided the Governor's Affirmative Action Policy Committee with an update of its Self-Evaluation on December 5, 1994. Copies of these reports are available at the Olympia Service Center Office of Equal Opportunity and each Regional headquarters. (Refer to Exhibit 1.)

In order to assist in the development of the Self-Evaluation, the department established the ADA/Section 504 Task Force consisting of numerous employees from throughout the state. Membership of the ADA/Section 504 Task Force brought a wide range of disciplines and experiences. Included on the task force were persons with disabilities representing the visually impaired, hearing impaired and mobility impaired.

The department also sent a public notice to over 250 organizations, including media resources, soliciting input on how this agency could make its programs and facilities more accessible to persons with disabilities.

Upon receipt of approval of the Self-Evaluation, the ADA/Section 504 Task Force was dissolved and all records dispersed throughout the department. Therefore, copies of individual comments and suggestions are not available.

## **SECTION 504/ADA TRANSITION PLAN**

49 CFR § 28.150 (d) requires the department to develop a Transition Plan that, as a minimum:

1. Identifies physical obstacles in the department's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
2. Describes in detail the methods that will be used to make the facilities accessible;
3. Specifies the schedule for taking the steps necessary to achieve compliance;
4. Identifies the official responsible for implementation of the plan.

WSDOT's Section 504/ADA Task Force hired the Seattle architectural firm of Veninga and Salogga to develop the WSDOT Section 504/ADA Transition Plan. During the initial stages of development, it was decided to develop three separate plans, one each for Region and Area Facilities, Rest Areas, and Washington State Ferries. Copies of these

plans are available at the Olympia Service Center Office of Equal Opportunity and at each Regional headquarters. (Refer to Exhibits 2 and 3.)

The plan was developed on an agency-wide basis looking at four areas of descending importance. To gain access, persons with disabilities must first be able to get into a particular building. Therefore, exterior accessibility was given top priority (Division One). The next level of importance concerns barriers persons with disabilities encounter once they have gained access to a building. Therefore, accessibility within the facility to and between all public services and meeting areas was given second priority (Division Two).

Other amenities, such as toilets and drinking fountains that are provided to the public within a building but are not essential to the programs or services offered were deemed to be of a lesser priority than those listed above. However, they must still be brought into compliance because they are indirectly related to the services sought by the public. Therefore, they were given the third priority (Division Three).

The final priority (Division Four) deals with employee accessibility and falls under Title I of the ADA. The department has the leeway in this area to accomplish the recommendations on an as needed basis. Therefore, Target Dates for compliance have not been set.

Due to delays in obtaining plan approval and partial funding, all Target Dates have been adjusted by one year (i.e. 6/30/95 should be 6/30/96). Additionally, Target Dates have been set based on projected funding under the state's biennial budgeting process. This has caused some target dates to be shown as 7/1/95 to 6/30/97. It is expected that all projects will be completed by 6/30/97. However, based on state accounting and fund distribution procedures, it is impossible to determine exact time frames during a biennium for completion of an individual project.

In addition, the department has procedures established for ensuring plans for all facilities designed and constructed with federal financial assistance meet both federal and state accessibility standards. These include plans for both new facilities (curb cuts, rest areas, pedestrian overpasses, underpasses, ramps, etc.) and for existing facilities (rest areas, etc.).

## **COMPLAINT PROCEDURES**

The Washington State Department of Transportation has developed the following complaint procedures:

Nondiscriminatory Complaint Procedures (Exhibit 4)

Title VII Discrimination Complaint Procedures (Exhibit 5)

The Nondiscriminatory Complaint Procedures are used to provide guidelines for the filing and processing of discrimination complaints filed against any program or activity administered by WSDOT as to subrecipients and consultants pursuant to Section 504 of the Rehabilitation Act of 1973 and the ADA.

The Title VII Discrimination Complaint Procedures are used to provide guidelines for the filing and processing of discrimination complaints filed by any department employee who believes they have been discriminated against on the basis of national origin, race, color, religion, age, gender, marital status, sexual orientation, status as a disabled or Vietnam-era Veteran, or disability. These procedures will also be used to investigate alleged violations of Section 504 of the Rehabilitation Act of 1973 or Title I of the ADA filed by WSDOT employees.

**Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a complaint by contacting the Diversity Programs Administrator, Office of Equal Opportunity, at (360) 705-7095. Written complaints may be sent to Washington State Department of Transportation, Transportation Building, 310 Maple Park Avenue SE, Olympia, Washington 98504-7300.**

## **REASONABLE ACCOMMODATION PROCEDURES**

WSDOT is committed to providing reasonable accommodation for persons with disabilities as each situation may require. To that end, Reasonable Accommodation Procedures have been developed and published as Chapter 4 of the WSDOT Equal Opportunity Desk Manual. These procedures are used to provide reasonable accommodations required by either the Americans with Disabilities Act of 1990 or Section 504 of the Rehabilitation Act of 1973. (Refer to Exhibit 6.)

## **ASSURANCES**

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the Washington State Department of Transportation, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The Washington State Department of Transportation further assures that its programs will be conducted, and its facilities operated, in compliance with all the requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR § 35 and 42 USC § 12101-12213.